

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KWAINE THOMPSON,

Plaintiff,

-against-

CITY OF NEW YORK et al.,

Defendants.

22-CV-1458 (JPO) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

Plaintiff **Kwaine Thompson, DIN #23B0962**, has received video evidence in connection with this litigation. The videos are approximately four hours in duration. On November 14, 2023, the Court issued an Order directing the Warden or other official in charge of the Mid-State Correctional Facility to produce Plaintiff to a location in the facility where he can view the video evidence in its entirety and that Plaintiff be permitted to view the video evidence in its entirety. The Court set a deadline of Monday, December 4, 2023 for the Warden to permit Plaintiff to view the video evidence produced in connection with the litigation. The Court directed the Warden to promptly contact the Court by telephone if the Court's direction presented any hardship to the Warden. The Warden has not contacted the Court regarding this Order.

On December 19, 2023, the Court received a letter from Plaintiff stating that he has not been permitted to view the video evidence, and that he was told he would not be permitted to do so as long as his lawsuit against correctional officers remains pending. The Court advises the Warden that this litigation will not likely be able to come to a resolution unless and until


Plaintiff is able to view all relevant discovery produced by Corporation Counsel, including the video evidence.

Corporation Counsel is ORDERED to contact the Warden or other official in charge of Mid-State Correctional Facility no later than **Friday, January 5, 2024** in order to learn the Facility's position on the Court's direction that Plaintiff be permitted to view the video evidence. Corporation Counsel shall impress upon the Warden that it is necessary for Plaintiff to view this evidence and shall confer with the Warden to reach a resolution of this issue. Corporation Counsel shall file a letter no later than **Monday, January 8, 2024** that (1) provides an update to the Court regarding Corporation Counsel's conversation with the Warden and (2) advises the Court whether and when Plaintiff was permitted or will be permitted to view the relevant evidence.

Corporation counsel shall send a copy of this Order to the Warden immediately. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: December 21, 2023
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge